

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENTS  
MEETING MINUTES  
January 29, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Board Member Patricia Boyd – Present  
Board Member James Personti – Present  
Board Member John Smith – Present  
Board Member John Acton – Present  
Chairman Paul Chalfant – Present

**APPROVAL OF MINUTES:**

Minutes from the November 27, 2012 Board of Adjustment Meeting

**ACTION:** A motion was made by Board Member Boyd to approve the Minutes as transcribed. The motion was seconded by Board Member Smith.

**VOTE:**            All in favor                            Motion Carried

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Review Petition 12-35 Tax Parcel # 1900-500-105 also known as 510 Kirkwood Hwy.

Dean Greaves introduced himself as the representative for Automart. He went on to say that they wanted to rent out the 1<sup>st</sup> floor of the property next door to the business at 510 Kirkwood Hwy. to utilize it for office space and customer parking.

Board Member Acton asked what their intentions were with the 2<sup>nd</sup> floor of the property.

Mr. Greaves stated they would leave it vacant and, if anything, would use it to store files. He went on to say that they had no intentions of doing any business in it.

Board Member Boyd asked how many employees they had.

Mr. Greaves stated they have approximately 6 employees.

Board Member Boyd asked if they were only looking to gain 5 parking spots.

Mr. Greaves said they were, but they still had the other lot next door at the business.

Board Member Boyd asked how many spots were located on the other lot for employees and customers.

Mr. Greaves stated that the customers utilize off-street parking and that they have about 4 or 5 spots at the moment.

Fred Carlson introduced himself as a resident of 104 Western Ave. He stated he was opposed to the petition as it's a non-conforming use in a Community Commercial Zone, and that he feels that Automart is expanding the business.

Code Officer, Brian Swift, stated that Automart is requesting a variance for a Special Exception Use in a CC Zone to use the property for office space, and that they would only be using the property for office space only. He said they would not be expanding the use of automobile sales. Mr. Swift went on to say that he spoke with Mr. David Feasel, the owner of the property at 510 Kirkwood Hwy. and that he's aware of the stipulations that are to be put in place on the building if the variance is granted, which is that the 2<sup>nd</sup> floor is not to be used unless otherwise deemed allowable by the Board.

Board Member Boyd referred to Exhibit 12-35D, and asked how they were going to block off access to 510 Kirkwood Hwy. from Kirkwood Hwy. without putting other parked vehicles in harm's way.

Mr. Greaves stated he didn't understand why it's pictured that way and that they had no intentions of blocking off access from Kirkwood Hwy.

Councilman Steven Burg stated that, other than Mr. Carlson, he's received no word from residents in favor of, nor opposing the petition.

Chairman Chalfant asked if they were planning to limit the amount of vehicles on the lot.

Mr. Greaves stated that they've actually cut back on the amount of vehicles they store for sale at Automart.

Board Member Boyd asked what they intended on using their existing office space for.

Mr. Greaves stated it would be a waiting area for customers that are getting their cars serviced.

**ACTION:** A motion was made by Board Member Smith to Approve Petition 12-35 with the stipulations set forth by the Planning Commission. The motion was seconded by Board Member Personti.

**VOTE:** 4 in favor with 1 opposed Motion Carried

Review Petition 12-36 Tax Parcel # 1900-900-009 also known as 413A S. DuPont Rd.

Mark Medori introduced himself as the owner of the property at 413A S. DuPont Rd. He stated that there is an existing apartment in this unit and it has been there since they've put the addition on about 20 years ago. He went on to say that it was just brought to his attention that the apartment is not allowed there according to the Town's Code.

Chairman Chalfant asked what is in the building currently.

Code Officer, Brian Swift, stated there's a church on the bottom floor, and on the 2<sup>nd</sup> floor is approximately 1000 sq.ft. of office space and a 1000 sq.ft. apartment.

Board Member Boyd asked if the apartment is currently being rented.

Mr. Medori stated it was being rented currently.

Chairman Chalfant asked if the 2<sup>nd</sup> floor was vacant.

Mr. Medori said the apartment was occupied, but the office space is currently vacant.

Board Member Boyd asked how many parking spots are needed for the residential unit.

Code Officer Swift stated if you take the building as a "general use" building, you would need 1 parking space for every 200 sq.ft., which would come out to about 23 spaces, and additional parking spaces for any employees. He went on to say if you calculate the square footage with the apartment it would require 20 spaces. He then said if you then added in the church it would lower the requirement to 18 spaces.

Chairman Chalfant asked if the church was still active.

Mr. Swift said it is.

Board Member Boyd asked how many parking spaces were at the property.

Mr. Swift said there are currently 15 existing parking spaces at the property.

Board Member Boyd asked how often the church has services.

Mr. Medori stated only on Sundays.

Mr. Swift stated on Sundays and Wednesday nights they have prayer meetings.

**ACTION:** A motion was made by Board Member Smith to Approve Petition 12-36 for the additional 3 parking spaces needed for the building to operate in it's current state. The motion was seconded by Board Member Acton.

**VOTE:** All in favor Motion Carried

**ACTION:** A motion was made by Board Member Chalfant to Approve Petition 12-36 for the variance to allow a residential rental unit in a GI Zone. The motion was seconded by Board Member Personti.

**VOTE:** All in favor Motion Carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

**ACTION:** A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

**VOTE:** All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 29, 2013 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**PAUL CHALFANT, CHAIRMAN**

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**JAMES PERSONTI, SECRETARY**